

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent No. : 6,399,002 Issued: June 4, 2009  
Patentee : Manfred A.A. Lupke et al. Confirmation No.: 1276  
App. No. : 09/197,435 Filing Date: November 23, 1998  
For : METHOD OF MAKING A PIPE WITH COUPLING CONFORMING TO  
PIPE DIAMETER

Commissioner for Patents  
Office of Patent Publication  
ATTN: Certificate of Correction Branch  
United States Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR  
PTO MISTAKE (37 CFR 1.322)**

Sir:

Pursuant to 37 C.F.R. 1.322, Patent Owners hereby submit the attached Certificate of Correction Form PTO/SB/44 for the above-identified patent. Because the mistake being corrected occurred by the Patent Office, the Patent Owners believe there are no fees associated with this Certificate of Correction.

This patent is not subject to any interference or litigation, but currently is in *Ex Parte* Reexamination (Control No. 90/010,530).

The Patent Owners request that the typographical error in “steams” be changed to “streams” as shown on the attached Certificate of Correction. This typographical error was not present in the October 1, 2001 Amendment filed during prosecution of Application No. 09/197,435 where new claim 17, which became claim 1, was added (attached is a copy of that Amendment). On page 2 of the Amendment on line 1, “streams” is spelled correctly. Also on page 2 of a section entitled “The Embodiments of the Invention in Which an Exclusive Property of Privilege is Claimed Are Defined as Follows” the claims in line 7, “streams” is spelled correctly.

Atty. Dkt. No. 230.0043

The Patent Owners look forward to issuance of the Certificate of Correction.

Respectfully submitted,  
CAHN & SAMUELS, L.L.P.

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October 29, 2009

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademarks Office on the date shown below.

Jennifer McGowan  
Jennifer McGowan

Oct 1/01  
Date

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10-301  
**Official**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE** OCT 01 2001

In re application of: Manfred A. A. Lupke and Stefan A. Lupke

**GROUP 1700**

Title: **PIPE WITH COUPLING CONFORMING TO PIPE DIAMETER**

Serial No.: 09/197,435  
Filed: 11/23/98

Art Unit: 1732

Our Reference: SJ-10317US

133 Richmond Street West, Suite 301  
Toronto, Ontario M5H 2L7

October 1, 2001

Via: Facsimile

The Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Attention: Examiner S. Staicovici

Dear Sir:

In response to the Examiner's earlier Official Action kindly amend this application as follows:

**IN THE CLAIMS:**

Replace claim 12 presently on file and insert new claim 17 as follows.

Claim 17: A method of extruding a plastic pipe having a pipe wall construction made from first and second streams of plastic, the first stream of plastic being formed into an interior part of the wall construction, the second stream of plastic being formed into a covering wall part over the interior wall part of the wall construction, the covering wall part being shaped into first and second corrugations with the interior wall part being flat where covered by the first and second corrugations, the wall

B construction further including a bowed wall region where the first and second streams of plastic are extruded lying against one another, the first corrugations and the bowed wall region being formed with consistent outside diameters and the second corrugations being formed with an outside diameter less than that of the first corrugations and the bowed wall region, the first corrugations, the bowed wall region and the second corrugations all being formed continuously along the pipe with the bowed wall region being located between the first corrugations and the second corrugations, the first corrugations comprising a major part of the pipe and the bowed wall region and the second corrugations comprising a minor part of the pipe.

Amend claim 13 to depend on claim 17.

IN THE DRAWINGS:

Subject to the Examiner's approval, Applicant will amend Figure 4 as indicated in the attached marked figure. As the Examiner will see, Applicant has replaced the numeral 10 with the numeral 9a in Figure 4.

REMARKS:

Newly submitted claim 17 as well as prior claims 13 through 16 dependent on newly submitted claim 17 now stand in this application.

Claim 17 submitted with this response distinguishes over the Fukui reference as well as any other references which Applicant is aware. First of all, Applicant's claimed structure comprises an inner wall part with a covering wall part. The inner wall part is flat where it is covered by the first and second corrugations of the covering wall part. This construction as clearly supported by Applicant's disclosure relates to a rigid pipe as opposed to the flexible hose disclosed by Fukui.

Secondly, Applicant defines in claim 17 that the larger first corrugations comprise a major part of the pipe whereas the shorter second corrugations and the bowed wall region comprise a minor part of the pipe. This is completely contrary to Fukui where the small corrugations occupy a much greater length of the pipe than the larger corrugations of Fukui.

Claim 17 further distinguishes over Fukui by defining that the bowed wall region has an outside diameter consistent with that of the large first corrugations. The Examiner has taken the position that this is obvious in light of Fukui and is nothing more than a design choice. Applicant respectfully disagrees. The purpose for making the bowed wall region of an outside diameter consistent with the larger corrugations and greater in diameter than the smaller corrugations is to set the pipe up for cutting into two pipe sections where the second corrugations form a spigot insertable within a

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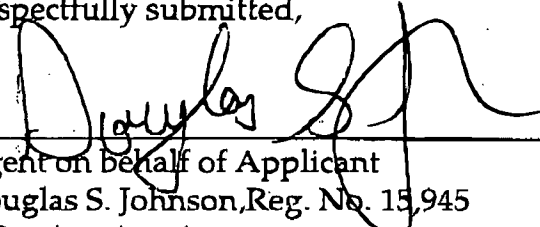
bell formed by the bowed wall region. This is a critical feature of the present invention and is neither contemplated nor rendered obvious by the Fukui reference.

In view of the all of the above, Applicant believes that claim 17 as well as the remaining claims dependent on claim 17 are patentable over the prior art.

The purposed amendment of Figure 4 is believed to correct any deficiencies to both the drawings in the disclosure of the application.

In view of the above, Applicant believes this application is in condition for allowance and awaits such notification at the Examiner's earlier convenience.

Respectfully submitted,



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SJ:jmc  
Enclosures

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- 1 -

THE EMBODIMENTS OF THE INVENTION IN WHICH AN EXCLUSIVE PROPERTY OR PRIVILEGE IS CLAIMED ARE DEFINED AS FOLLOWS:

2 13. A method as claimed in Claim 12 characterized in that the bowed wall region is formed with a transitional wall part which reduces outside diameter of the pipe from the bowed wall region to the second corrugations.

14. A method as claimed in Claim 17 characterized in that the transitional wall part is removed from the pipe to form first and second pipe sections in which the bowed wall region is converted to an open ended bell on the first pipe section and in which the second corrugations form a spigot on the second pipe section, the bell and the spigot being interfittable with one another for coupling the first and second pipe sections together with one another.

15. A method as claimed in Claim 17 including covering the continuous wall construction with an external layer of plastic by adhering the external layer of plastic to the first corrugations and the bowed wall region and not to the second corrugations.

16. A method as claimed in Claim 17 including removing part of the external layer of plastic around the second corrugations to uncover the second corrugations to form the spigot on the second pipe section.

17. A method of extruding a plastic pipe having a pipe wall construction made from first and second streams of plastic, the first stream of plastic being formed into an interior part of the wall construction, the second

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stream of plastic being formed into a covering wall part over the interior wall part of the wall construction, the covering wall part being shaped into first and second corrugations with the interior wall part being flat where covered by the first and second corrugations, the wall construction further including a bowed wall region where the first and second streams of plastic are extruded lying against one another, the first corrugations and the bowed wall region being formed with a consistent outside diameter and the second corrugations being formed with an outside diameter less than that of the first corrugations and the bowed wall region, the first corrugations, the bowed wall region and the second corrugations all being formed continuously along the pipe with the bowed wall region being located between the first corrugations and the second corrugations, the first corrugations comprising a major part of the pipe and the bowed wall region and the second corrugations comprising a minor part of the pipe.

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Approved by *Examiner* -  
12/12/01 - SS

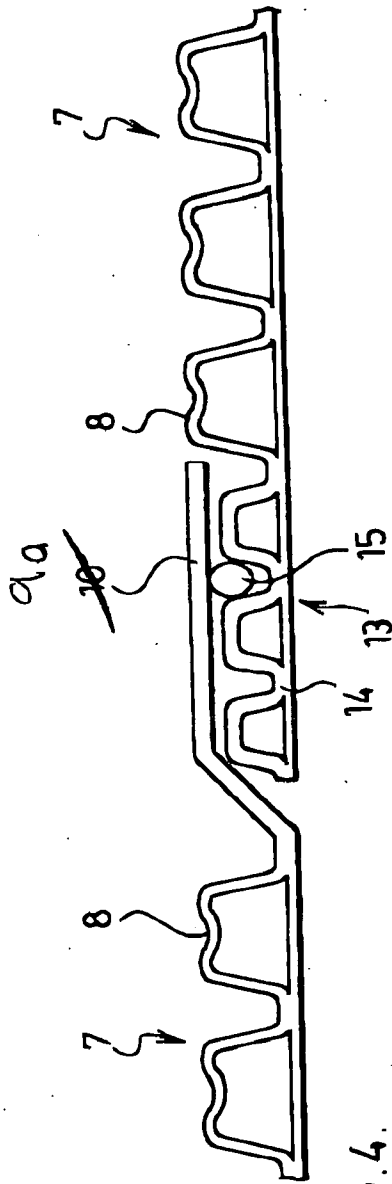


FIG. 4.

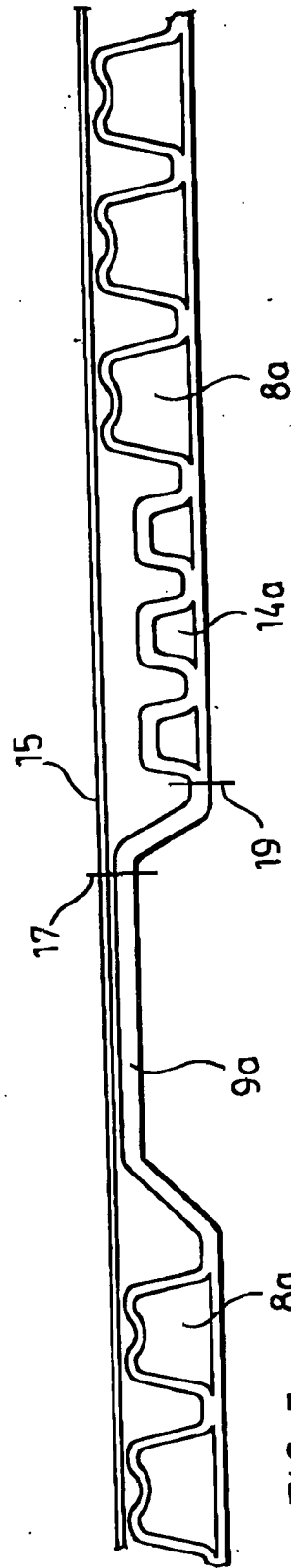


FIG. 5.

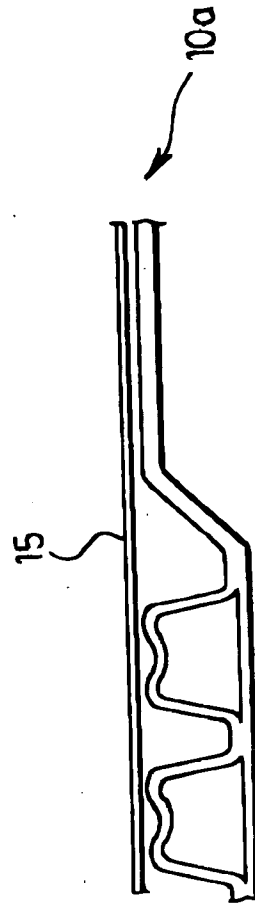


FIG. 6.

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